

Application No. 10/811,736
Amendment dated November 2, 2006
Reply to Office Action of May 19, 2006

REMARKS

Claims 1-22 are pending. Claims 4 and 19-22 are cancelled, and claim 23 is added herein. Accordingly, claims 1-3, 5-18, and 23 are at issue.

Initially, applicant's wish to acknowledge with appreciation the indication of allowable subject matter in claim 12. Accordingly, claim 12 is rewritten in independent form herein to include the limitations of intervening claim 11 and its base claim 10, and should now be in condition for allowance.

Claims 1 and 2 stand rejected under 35 USC §102(e) as anticipated by U.S. Patent No. 7,021,657 to Kassman, et al. Claims 1, 2, 8, and 19-22 stand rejected under 35 USC §102(b) as anticipated by U.S. Patent No. 6,857,659 to Webber. Claims 1, 2, and 5 stand rejected under 35 USC §102(b) as anticipated by U.S. Patent No. 3,879,057 to Kawashima, et al. Claims 3-7 stand rejected under 35 USC §103(a) as unpatentable over Kassman, et al. in view of U.S. Patent No. 6,572,144 to Igawa. Claim 8 stands rejected under 35 USC §103(a) as unpatentable over Kassman, et al. in view of Igawa, and further in view of GB 2,261,855 to Kavanagh. Claims 1, 9-11, and 13 stands rejected under 35 USC §103(a) as unpatentable over U.S. Patent No. 7,029,029 Yamazaki, et al. in view of Kassman, et al. Claims 14-17 stand rejected under 35 USC §103(a) as unpatentable over Yamazaki, et al. in view of Kassman, et al. and further in view of Igawa. Claim 18 stands rejected under 35 USC § 103(a) as unpatentable over Yamazaki, et al. in view of Kassman, et al. and Igawa, and further in view of Kavanagh.

The rejections, as they may apply to the claims presented herein, are respectfully traversed.

Amended claim 1 is directed to an airbag apparatus for a motorcycle including an airbag having a rear wall portion facing a driver, and a front wall portion facing away from the driver with laterally facing opposite side wall portions generally extending between the front and rear wall portions. Claim 1 further requires an upper concavity in the rear wall portion and intermediate-height concavities in the opposite side wall portions. The upper concavity is higher than the intermediate height concavities so that the upper concavity is adapted to receive the driver and the intermediate height concavities are adapted to fit operating ends of the motorcycle handlebar therein upon airbag deployment during

emergency conditions. None of the cited art, either alone or in combination, discloses or suggests the recited upper concavity and intermediate concavities of amended claim 1.

In particular, of the relied upon references, only Yamazaki, et al. are directed to an airbag for a motorcycle. However, Yamazaki, et al. make no mention of special configurations for their airbag for receipt of the head of the motorcycle driver, or for operating ends of the motorcycle handlebar, let alone the specific upper concavity and intermediate concavities recited in amended claim 1.

Igawa is relied upon for disclosing depressions *d* in side locations of the airbag. Igawa teaches that these depressions make it difficult for gas in the bottom portion of the airbag to move upward so that the airbag bottom portion provides more resistance for the occupant when engaged therewith (see column 2, lines 50-56). Igawa further teaches that their airbag is for use in a passenger compartment of an automobile and are not concerned with the potential for interference that operating ends of a motorcycle handlebar create with airbag deployment and inflation of a motorcycle airbag. In the presently claimed invention, the intermediate height concavities are adapted to fit such operating ends of a motorcycle handlebar. Further, Igawa does not disclose or suggest the provision of a rear concavity that is higher than the intermediate concavities for receiving the driver upon airbag deployment and inflation during emergency conditions. As previously mentioned, the other references are all directed to airbags for automobiles and thus while Kassman, et al. disclose a rear concavity they certainly do not suggest the use of side concavities for motorcycle handlebar operating ends, as no such concavities are necessary in an automobile passenger compartment and thus none are contemplated or suggested by these references. There would be no reason to combine the relied upon references to arrive at the airbag apparatus of amended claim 1 for these reasons. Accordingly, it is believed claim 1, and claims 2, 3 and 5-9 which depend cognately therefrom, are allowable over the relied upon art.

Amended claim 10 is directed to a motorcycle including an airbag apparatus and calls for a handlebar having laterally spaced, operating end portions and a seat for a driver rearwardly of the handlebars. An airbag of the airbag apparatus is provided for being inflated between the seat and the handlebars. Claim 10 further calls for a forward portion of the airbag, a rearward portion of the airbag, and lateral side portions of the airbag generally

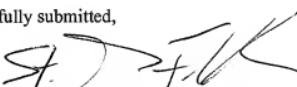
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extending between the forward and rearward portions thereof. Claim 10, as amended, requires a rear concavity in the rearward portion of the inflated airbag for receiving a body portion of the driver upon airbag inflation, and side concavities in the lateral side portions of the inflated airbag for fitting the corresponding ones of the handlebar operating end portions therein. None of the relied upon art, either alone or in combination, discloses or suggests the motorcycle airbag having rear and side concavities, as required in amended claim 10.

More specifically, as previously mentioned, only Yamazaki, et al. disclose a motorcycle and airbag therefor. However, Yamazaki, et al. do not disclose any concavities for their airbag, and certainly do not disclose or suggest the specific rear concavity and side concavities adapted for receiving a body portion and for fitting corresponding handlebar operating end portions, respectively, as called for in amended claim 10. The other references are directed to airbags for passenger compartments in automobiles, and thus fail to teach the recited motorcycle handlebars and side concavities that are configured for fitting corresponding ones of the operating end portions of the motorcycle handlebars therein, and do not disclose or suggest the recited combination of a rear concavity and the side concavities as required in amended claim 10. Accordingly, it is believed that claim 10, and claims 11, 13-18, and 23, which depend cognately therefrom, are allowable over the relied upon art.

Based on the forgoing, reconsideration and allowance of claims 1-3 and 5-18, and consideration and allowance of claim 23, are respectfully requested.

Respectfully submitted,

By: 

Stephen S. Pavakeh
Registration No. 36,798

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FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007